

**RULES  
OF  
DEPARTMENT OF COMMERCE AND INSURANCE  
DIVISION OF REGULATORY BOARDS**

**CHAPTER 0780-5-11  
GENERAL PROVISIONS**

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0780-5-11-.01 Assessment of Investigatory and Hearing Costs

**0780-5-11-.01 ASSESSMENT OF INVESTIGATORY AND HEARING COSTS.**

- (1) The Division of Regulatory Boards (“Division”) or any board, commission or agency attached thereto is authorized to assess the actual and reasonable costs of the investigation, prosecution and hearing of any disciplinary action held in accordance with the contested case provisions of the Uniform Administrative Procedures Act, compiled in Tenn. Code Ann. Title 4, Chapter 5, Part 3 in which sanctions of any kind are imposed on any person or entity required to be licensed, permitted, registered or otherwise authorized by the Division or any board, commission or agency attached thereto.
- (2) When the Division or any board, commission or agency attached thereto, in any final order requires the “payment of costs,” the requirement may include payment of any or all of the following:
  - (a) All costs attributed to and assessed against the Division, board, commission or agency by the Division’s, board’s, agency’s or commission’s investigations section in connection with the investigation and prosecution of the matter, including all investigator time, travel and lodging incurred during the investigation and prosecution of the matter. Costs for travel and lodging shall be assessed in accordance with the State of Tennessee Comprehensive Travel Regulations promulgated by the Department of Finance and Administration. Investigator time shall be assessed in accordance with the hourly rate per investigator and based on the formula used to calculate the same from the most recent fiscal year.
  - (b) All costs assessed against the Division, board, commission or agency for the use of the Division facilities and personnel for prosecution of the matter.
  - (c) All costs assessed against the Division, board, commission or agency for the appearance fees, transcripts, time, travel and lodging of administrative law judges, court reporters and witnesses required in the prosecution of the matter. Costs for travel and lodging shall be assessed in accordance with the State of Tennessee Comprehensive Travel Regulations promulgated by the Department of Finance and Administration.
- (3) As soon as practicable after the conclusion of the disciplinary matter, the Division, board, commission or agency shall enter a final order. If the Division, board, commission or agency has ordered the assessment of costs, the Division, board, commission or agency shall incorporate an itemized account of the assessment in the final order. The person or entity disciplined shall pay all costs assessed pursuant to this rule within thirty (30) days after the effective date of the Division’s, board’s, commission’s or agency’s final order.
- (4) If the person or entity disciplined has not paid the costs assessed within thirty (30) days, the Division, board, commission or agency may apply to the chancery court of Davidson County for a judgment to recover such costs.

(Rule 0780-5-11-.01, continued)

**Authority:** *T.C.A. §56-1-311. Administrative History: Original rule filed October 25, 2004; effective January 8, 2005.*